

A bill for an act
relating to health; permitting smoking in certain bars; amending Minnesota
Statutes 2008, section 144.4167, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 144.4167, is amended by adding a
subdivision to read:

Subd. 10. **Bars.** Sections 144.414 to 144.417 do not prohibit smoking in a bar
provided it has a ventilation system that will exchange indoor air at least two times per
hour and an on-sale intoxicating liquor license, an on-sale nonintoxicating malt liquor
license, an on-sale 3.2 percent malt liquor license, a wine license, or a strong beer liquor
license; and:

(1) the bar's sales of beer, nonintoxicating malt liquor, 3.2 percent malt liquor, wine,
and intoxicating liquor are demonstrated for an existing licensee to be, or for an initial
licensee projected to be, more than 50 percent of the total net sales of food and beverages,
after taxes, that are served in the establishment. For the purposes of this section, "sales"
are the sales reported to the Department of Revenue from the most recent calendar year; or

(2) the bar:

(i) is separated from the restaurant on all sides by continuous floor-to-ceiling walls,
which are interrupted only by closable doors that are continuously closed, except when a
person is actively entering or exiting the bar;

(ii) has ventilation systems that are totally separated from the restaurant, with the bar
maintaining a negative air pressure in relation to the adjacent restaurant;

(iii) does not permit entrance or employment of minors at any time notwithstanding
section 340A.503, subdivision 4, paragraph (b); and

S.F. No. 270, as introduced - 86th Legislative Session (2009-2010) [09-1168]

- 2.1 (iv) has a food or beverage license, which is separate from the restaurant, issued by
- 2.2 the appropriate licensing agency.